

AMENDED IN SENATE JUNE 15, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2275

Introduced by Assembly ~~Member Umberg~~ Members *Umberg and Frommer*
(Principal coauthor: Senator Scott)

February 22, 2006

An act to ~~amend Section 84606 of~~ *add Section 84310* to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2275, as amended, Umberg. ~~Campaign expenditure disclosures~~ *Political Reform Act of 1974: campaign expenditures: telephone advocacy.*

~~Existing provisions of the Political Reform Act of 1974 require the Secretary of State to determine and publicly disclose, in consultation with the Department of Information Technology and other specified bodies, when online and electronic disclosure systems are operating effectively, and provide that no system shall become operative until the Department of Information Technology approves it. Existing law also relieves filers of the obligation to file paper copies or with local filing officers once these determinations are made and specifies the date that online or electronic reports shall be deemed received by the Secretary of State.~~

~~This bill would delete all references to the Department of Information Technology.~~

Existing provisions of the Political Reform Act of 1974 prohibit candidates, committees, and slate mailer organizations from sending certain mailings unless the name, street address, and city of the

candidate, committee, or slate mailer organization is shown on the outside of each piece of mail in the mailing and on at least one of the inserts included within each piece of mail.

This bill would prohibit a candidate, committee, or slate mailer organization from expending campaign funds, directly or indirectly, to pay for telephone calls that are similar in nature and aggregate 1,000 or more in number, made by an individual, or individuals, or by electronic means and that advocate support of, or opposition to, a candidate, ballot measure, or both, unless during the course of each call the name of the organization that authorized or paid for the call is disclosed to the recipient of the call, except as specified. The bill would provide that it shall not apply to telephone calls made by the candidate, the campaign manager, or individuals who are volunteers.

This bill would require a candidate, committee, or slate mailer organization that pays for telephone calls to maintain a record of the script of the call, or a copy of a recorded message, for a specified period of time.

The bill also would prohibit campaign and ballot measure committees from contracting with any phone bank vendor that does not disclose the information required to be disclosed by this bill.

Existing law makes a violation of the Political Reform Act of 1974 subject to administrative, civil, and criminal penalties.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.

*Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.*

The people of the State of California do enact as follows:

1 *SECTION 1. Section 84310 is added to the Government*
2 *Code, to read:*

3 84310. (a) A candidate, committee, or slate mailer
4 organization may not expend campaign funds, directly or
5 indirectly, to pay for telephone calls that are similar in nature
6 and aggregate 1,000 or more in number, made by an individual,
7 or individuals, or by electronic means and that advocate support
8 of, or opposition to, a candidate, ballot measure, or both, unless
9 during the course of each call the name of the organization that
10 authorized or paid for the call is disclosed to the recipient of the
11 call. Unless the organization that authorized the call and in
12 whose name it is placed has filing obligations under this title,
13 and the name announced in the call either is the full name by
14 which the organization or individual is identified in any
15 statement or report required to be filed under this title or is the
16 name by which the organization or individual is commonly
17 known, the candidate, committee, or slate mailer organization
18 that paid for the call shall be disclosed. This section shall not
19 apply to telephone calls made by the candidate, the campaign
20 manager, or individuals who are volunteers.

21 (b) Campaign and ballot measure committees are prohibited
22 from contracting with any phone bank vendor that does not
23 disclose the information required to be disclosed by subdivision
24 (a).

25 (c) A candidate, committee, or slate mailer organization that
26 pays for telephone calls as described in subdivision (a) shall
27 maintain a record of the script of the call for the period of time
28 set forth in Section 84104. If any of the calls qualifying under
29 subdivision (a) were recorded messages, a copy of the recording
30 shall be maintained for that period.

31 SEC. 2. The Legislature finds and declares that the provisions
32 of this act further the purposes of the Political Reform Act of
33 1974 within the meaning of subdivision (a) of Section 81012 of
34 the Government Code.

35 SEC. 3. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district will be incurred because this act creates a new crime or

1 *infraction, eliminates a crime or infraction, or changes the*
2 *penalty for a crime or infraction, within the meaning of Section*
3 *17556 of the Government Code, or changes the definition of a*
4 *crime within the meaning of Section 6 of Article XIII B of the*
5 *California Constitution.*

6 ~~SECTION 1. Section 84606 of the Government Code is~~
7 ~~amended to read:~~

8 ~~84606. The Secretary of State shall determine and publicly~~
9 ~~disclose when the online and electronic disclosure systems are~~
10 ~~operating effectively. In making this determination, the Secretary~~
11 ~~of State shall consult with the commission and any other~~
12 ~~appropriate public or private entity. Upon this determination,~~
13 ~~filers required by this chapter to file online or electronically will~~
14 ~~no longer be required to file a paper copy or with local filing~~
15 ~~officers. Furthermore, the date that a filer transmits an online or~~
16 ~~electronic report shall be the date the filed report is received by~~
17 ~~the Secretary of State.~~

18 ~~SEC. 2. The Legislature finds and declares that the provisions~~
19 ~~of this act further the purposes of the Political Reform Act of~~
20 ~~1974 within the meaning of subdivision (a) of Section 81012 of~~
21 ~~the Government Code.~~